

ANN BAVENDER\*  
HARRY F. COLE  
ANNE GOODWIN CRUMP  
VINCENT J. CURTIS, JR.  
PAUL J. FELDMAN  
JEFFREY J. GEE\*  
FRANK R. JAZZO  
M. SCOTT JOHNSON\*  
MITCHELL LAZARUS  
STEPHEN T. LOVELADY\*  
SUSAN A. MARSHALL  
HARRY C. MARTIN  
ALISON J. MILLER  
FRANCISCO R. MONTERO  
LEE G. PETRO\*  
RAYMOND J. QUIANZON  
MICHAEL W. RICHARDS\*  
JAMES P. RILEY  
KATHLEEN VICTORY  
HOWARD M. WEISS

\* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400

FAX: (703) 812-0486

DOCKET FILE COPY ORIGINAL [www.fhhlaw.com](http://www.fhhlaw.com)

RETIRED MEMBERS  
RICHARD HILDRETH  
GEORGE PETRUTSAS  
CONSULTANT FOR INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS  
SHELDON J. KRYSS  
U. S. AMBASSADOR (ret.)  
OF COUNSEL  
DONALD J. EVANS  
EDWARD S. O'NEILL\*  
ROBERT M. GURSS\*  
EUGENE M. LAWSON, JR.  
WRITER'S DIRECT

ORIGINAL

703-812-0450  
[riley@fhhlaw.com](mailto:riley@fhhlaw.com)

November 1, 1005

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NOV - 1 2005

Federal Communications Commission  
Office of Secretary

BY HAND DELIVERY

Marlene H. Dortch, Esq.

Secretary

Federal Communications Commission

445 12<sup>th</sup> Street, SW

Washington, DC 20554

Re: MM Docket 05-263

Dear Ms. Dortch:

Enclosed are an original and four copies of Reply Comments by Millennium Media, Inc. to be filed in the above-referenced docket.

Please date-stamp the extra copy and return it for our files.

Should any additional information be needed, please contact the undersigned.

Yours truly,

James P. Riley

JPR:deb

Enclosures

cc: Assistant Chief (By Fax: 202-417-2053)  
Audio Division, Media Bureau  
Shelley Sadowsky, Esq.  
Mark N. Lipp, Esq.  
Robert L. Olender, Esq.

FILED 11/1/05  
12142005 084

**Before the  
Federal Communications Commission  
Washington, DC 20554**

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Federal Communications Commission  
Office of Secretary

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket 05-263
Table of Allotments	)	
FM Broadcast Stations	)	RM-11269
Grants and Church Rock, New Mexico	)	

To: Secretary, Federal Communications Commission

Attention: Assistant Chief, Audio Division, Media Bureau

**REPLY COMMENTS**

Millennium Media, Inc. ("Millennium"), the petitioner in this proceeding, by counsel, herein submits its reply comments.

1. Millennium filed comments in support of its proposed reallocation of Channel 279 from Grants, New Mexico, to Church Rock, New Mexico, as a Class C channel, and modification of Millennium's license for KYVA-FM to specify Church Rock as its community of license. Grants would continue to be served by two licensed local radio broadcast stations (and would retain a vacant allotment for Channel 244C3, creating an opportunity for a third local broadcast station). Church Rock would receive its first FM allotment and gain its first local radio broadcast station with the modification of KYVA-FM's license to specify Church Rock. In its Notice of Proposed Rule Making ("NPRM"), DA 05-2339, rel. August 26, 2005, the Federal Communications Commission ("FCC") noted the public interest factors inherent in Millennium's proposal, and issued the NPRM proposing the reallocation of Channel 279C to Church Rock.

2. Two counterproposals were filed on the comment deadline, both in conflict with Millennium's proposal in the same way.<sup>1</sup> Each proposed the allotment of Channel 278C2 to Teec Nos Pos, Arizona, and each noted that the proposed site for Channel 278C2 at Teec Nos Pos is 30.68 km short of the required 188 km separation between 279C at Church Rock and 278C2 at Teec Nos Pos. See Engineering Statement of Hatfield & Dawson Consulting Electrical Engineers ("Engineering Statement"), attached hereto.

3. The apparent conflict between the counterproposals and the proposal put forward in the NPRM can be resolved by substituting any one of "at least nine alternative Class C 2 allotments available for use at Teec Nos Pos, at the allotment coordinates specified in the counterproposals." Engineering Statement, p. 2. These nine channels are all compatible with the allotment of Channel 279C to Church Rock and in other respects comply with FCC allotment rules. The Engineering Statement, at p. 3, shows in detail that the allotment to Teec Nos Pos of one of the nine available channels, Channel 243C2, fully complies with the FCC's channel allotment requirements.<sup>2</sup>

4. Millennium suggests allotment of 243C2 to Teec Nos Pos to eliminate the conflict between its proposal and the counterproposals. By doing so, the public interest benefits of the allotment of Channel 279C to Church Rock can be realized while permitting the FCC to grant the

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<sup>1</sup>Counterproposal of Sanpete County Broadcasting Co., *et al.*, and Counterproposal of Smoke and Mirrors, LLC, *et al.*

<sup>2</sup>Channel 243C2, and the other eight available C2 channels, are identical in relevant characteristics to Channel 278C2. The counterproposals have put forth 278C2 as a substitute for 237C1, for which College Creek Broadcasting, LLC, a counterproponent, holds an unbuilt construction permit. College Creek will be situated identically in all material matters if its unbuilt permit is one for Channel 243C2 rather than one for 278C2. Hence, no show cause order to or consent by College Creek is necessary.

allotment changes requested in the counterproposals, should it determine that those changes are in compliance with the Commission's rules and otherwise in the public interest. Allotment of Channel 243C2, or one of the other available channels, to Teec Nos Pos to eliminate conflict is consistent with longstanding FCC practice and with paragraph 3(c) of the Appendix to the NPRM.

5. Millennium urges the FCC to adopt the solution suggested herein to the apparent conflict between its proposal to bring Church Rock its first local radio broadcast station and the counterproposals request for allotment of Channel 278C2 at Teec Nos Pos, Arizona, and to terminate this proceeding with a Report and Order which allots Channel 279C to Church Rock, New Mexico, and modifies Millennium's license for KYVA-FM to specify Church Rock as its new community of license.

Respectfully submitted,

MILLENNIUM MEDIA, INC.

By 

James P. Riley

of

Fletcher, Heald & Hildreth, PLC  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209  
703-812-0400

Its Attorney

November 1, 2005

JAMES B. HATFIELD, PE  
BENJAMIN F. DAWSON III, PE  
THOMAS M. ECKELS, PE  
STEPHEN S. LOCKWOOD, PE  
DAVID J. PINION, PE

PAUL W. LEONARD, PE  
ERIK C. SWANSON, EIT  
THOMAS S. GORTON, PE

HATFIELD & DAWSON  
CONSULTING ELECTRICAL ENGINEERS  
9500 GREENWOOD AVE. N.  
SEATTLE, WASHINGTON 98103

TELEPHONE  
(206) 783-9151  
FACSIMILE  
(206) 789-9834  
E-MAIL  
hatdaw@hatdaw.com

MAURY L. HATFIELD, PE  
CONSULTANT  
BOX 1326  
ALICE SPRINGS, NT 5950  
AUSTRALIA

**Engineering Statement  
Reply Comments in MB Docket No. 05-263  
Church Rock and Grants, New Mexico  
October 2005**

This Engineering Statement has been prepared on behalf of Millennium Media, Inc. ("Millennium"), licensee of station KYVA-FM at Grants, New Mexico. Millennium has proposed in MB Docket No. 05-263 to reallocate Channel 279C from Grants to Church Rock, New Mexico, and to modify the license of station KYVA-FM to specify operation at Church Rock.

Two counterproposals have been filed in this proceeding. One counterproposal was filed by Sanpete County Broadcasting Co.; Marathon Media Group, LLC; College Creek Broadcasting, LLC; and Sky Media, LLC, proposing allotment changes at 13 communities in Arizona, Nevada, and Utah. The second counterproposal was filed by College Creek Broadcasting, LLC; Desert Sky Media, LLC; and Smoke & Mirrors, LLC, proposing allotment changes at 25 communities in Arizona, California, Nevada, and Utah.

Both counterproposals share a single point of intersection with Millennium's proposal to allocate Channel 279C at Church Rock. Specifically, both counterproposals propose to substitute Channel 278C2 for Channel 237C1 at Teec Nos Pos, Arizona, for use by a new FM station (no call letters yet assigned) authorized to College Creek Broadcasting. As one of the joint parties to both

counterproposals, College Creek has implicitly agreed to the Teec Nos Pos channel change, downgrade and allotment site change.

The allotment of Channel 278C2 at Teec Nos Pos is short-spaced by 31 km to Millennium's proposed allotment of Channel 279C at Church Rock.

Our analysis shows that there are at least 9 alternate Class C2 channels available for use at Teec Nos Pos, at the allotment coordinates specified in the counterproposals. Millennium suggests that the Commission assign Channel 243C2 at Teec Nos Pos, in lieu of the Channel 278C2 requested in the counterproposals.

As outlined in the attached channel study, Channel 243C2 can be assigned for use at Teec Nos Pos in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, at the counterproponents' specified site coordinates N36-54-23 x W109-22-52.

Should any problem develop with the use of Channel 243C2, the following alternate channels can also be considered by the Commission for use at Teec Nos Pos: 221C2, 258C2, 265C2, 277C2, 281C2, 286C2, 288C2, and 294C2.

Hatfield & Dawson Consulting Engineers

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## SEARCH PARAMETERS

FM Database Date: 051017

Channel: 243C2 96.5 MHz

Page 1

Latitude: 36 54 23

Longitude: 109 22 52

Safety Zone: 32 km

Job Title: TEEC NOS POS 243C2

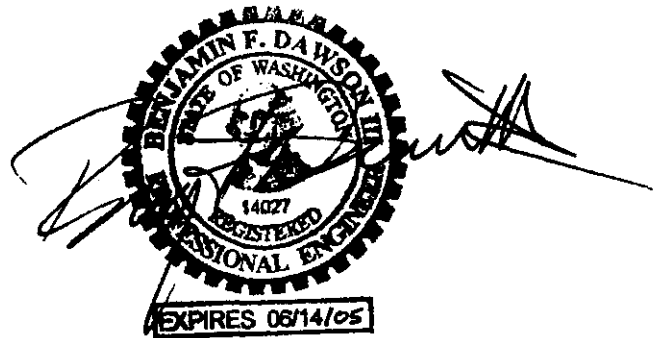
Call Status	City St	FCC File No.	Channel Freq.	ERP(kw) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
NEW-T	KAYENTA		240D	0.250	36-43-37	255.8	80.02	0
APP	AZ	BNPFT-030317DWE	95.9	84.0	110-14-59		0.00	TRANS
K241AO	CORTEZ		241D	0.205	37-20-56	54.9	86.24	0
CP	CO	BNPFT-030822ABE	96.1	133.0	108-35-00		0.00	TRANS
K242AJ	MANCOS		242D	0.009	37-21-51	64.7	120.93	0
LIC	CO	BLFT-941116TB	96.3	855.0	108-08-46		0.00	TRANS
NEW-T	PAGE		243D	0.140	36-53-27	270.1	185.38	0
APP	AZ	BNPFT-030310AOB	96.5	179.0	111-27-39		0.00	TRANS
NEW-T	TUBA CITY		243D	0.075	36-07-54	243.3	188.18	0
APP	AZ	BNPFT-030317CGN	96.5	197.0	111-14-60		0.00	TRANS
K296EO	DOLORES		243D	0.089	37-27-59	50.4	98.23	0
CP	CO	BPFT-030805AIU	96.5	280.0	108-31-28		0.00	TRANS
NEW-T	TELLURIDE		243D	0.010	37-54-52	50.4	177.72	0
APP	CO	BNPFT-030317DAQ	96.5	1021.0	107-49-17		0.00	TRANS
K296DL	FARMINGTON		243D	0.205	36-41-51	102.3	106.01	0
CP	NM	BPFT-030807ADZ	96.5	208.0	108-13-19		0.00	TRANS
NEW-T	BLANDING		243D	0.010	37-50-22	356.1	103.80	0
APP	UT	BNPFT-030313BCM	96.5	1264.0	109-27-43		0.00	TRANS
NEW-T	FERRON		243D	0.250	38-34-19	355.5	185.44	0
APP	UT	BNPFT-030317MQU	96.5	552.0	109-32-49		0.00	TRANS
KDAG	FARMINGTON		245C	100.000	36-48-52	94.0	133.17	105
LIC	NM	BLH-010525ABR	96.9	307.0	107-53-32		28.17	CLEAR

===== END OF FM SPACING STUDY FOR CHANNEL 243 =====

**Statement of Engineer**

This Engineering Statement supporting Reply Comments in MB Docket No. 05-263 (Church Rock and Grants, New Mexico) has been prepared by Erik C. Swanson under my direct supervision. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and California.

Signed this 21<sup>st</sup> day of October, 2005.



Benjamin F. Dawson III, P.E.

A handwritten signature in black ink, appearing to read "Erik C. Swanson".

Erik C. Swanson

Hatfield & Dawson Consulting Engineers



# CERTIFICATE OF SERVICE

I, Deborah N. Lunt, a secretary with the law firm of Fletcher, Heald & Hildreth, PLC, hereby confirm that true copies of the foregoing Reply Comments were sent by first class mail, postage prepaid, this 1<sup>st</sup> day of November, 2005, to the following:

Shelley Sadowsky, Esq.  
Katten Muchin Rosenman  
1025 Thomas Jefferson Street, NW  
East Lobby, Suite 700  
Washington, DC 20007-5201  
Counsel for Sanpete County Broadcasting Co.

Mark N. Lipp, Esq.  
Vinson & Elkins, LLP  
1455 Pennsylvania Avenue, NW  
Suite 600  
Washington, DC 20004-1008  
Counsel for Marathon Media Group, LLC  
College Creek Broadcasting, LLC  
Sky Media, LLC

Robert L. Olender, Esq.  
Koerner & Olender, PC  
11913 Grey Hollow Court  
North Bethesda, MD 20852-5706  
Counsel for Smoke & Mirrors, LLC

  
\_\_\_\_\_  
Deborah N. Lunt